Department of Laws Revts

OFFICE Bs of Rev

STATION Nagpur

Misc No. 44/58

Dated 1.11.35

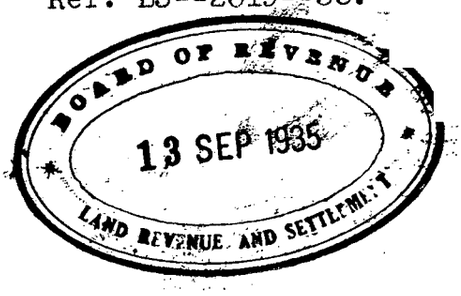
B 5/43
9 F.T.

Pages in the file

(SUBJECT.)

Alienation. Laws & Rev
(S. Kanara). Karkal Tk.
Kari manel Vge R Nos 200-2
& 204-2 Panchamas of D
Diocese of Mangalore- cemetery
Panchamas Rep Comm

Ref. B3--2019--35.



South Kanara Collector's Office,
Camp: Gurpur, dated 7th September 1935.

From

E. M. Gawne, Esq, I.C.S.,
Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue & Settlement,
Madras.

Sir,

Alienation--land and land revenue--Karkal Taluk--Karimanel village --S. No. 200/2B and 204/2--cemetery--Parish Union of the Diocese of Mangalore--sanction requested.

I request that the alienation of land and land revenue may be sanctioned in respect of S. No. 200/2B and 204/2 of Karimanel village in favour of the Parish Union of the Diocese of Mangalore for purposes of a cemetery, to be attached to the Roman Catholic Church near by in the village.

2. I enclose an eye-sketch of the plot which shows the Church standing in the wargland 180/1A2 and the position of the plots proposed for alienation with reference to the Church. As the sketch will show, the whole of S. No. 200/2B measuring 2 cents and a portion of 204/2 (which measures 28 cents) are already being used for burial purposes and it is reported that there is no other suitable land available for the Church for the purposes of the cemetery anywhere in the neighbourhood.

3. The Aryasamaj of Mangalore, is the owner of S. No. 180/1B and 8 lying to the east of the Church and its President objects to the proposed alienation on the ground that a cemetery in the alienated plots would contaminate water-supply and make it difficult

to create a settlement of Adi-Dravidas, as intended by the Samaj on its own lands. I do not consider that these objections deserve any consideration; there are as yet no habitations on the plots owned by the Arya Samaj and the sub divisions have been carefully formed on the ground so as to include only the land sloping away from the lands owned by the Samaj. No communal trouble is likely to arise now or in the future on account of the proposed alienation.

4. I enclose statements in the prescribed form in respect of the proposed alienation. The Secretary of the Parish Union has paid the seigniorage due in respect of the tree-growth standing on the plots and accepted on behalf of the Parish Union the conditions of alienation offered by me. A copy of his letter dated 2nd September 1935 and a copy of the conditions accepted by him are enclosed.

Your obedient servant,

Ref. B3--2019--35.

South Kanara Collector's Office,
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Your obedient servant,

Collector.

(1) The land comprised in 204/2 and 200/2B of Karimanel measuring 28 and 2 cents respectively shall be used for the purpose of a Cemetery attached to the Venur Church at Karimanel and for no other purpose.

(2) No part of the land shall in any way, be built upon without the previous sanction of the Collector, the erection of tombs however not requiring any sanction.

(3) Full assessment shall be charged if at any time it is found that the grantee levies any rent or fees for the use of the burial ground.

(4) The Government may resume the land wholly or in part with any buildings thereon:

(a) if the land is not used for the specific purpose for which it was granted, or

(b) if the conditions on which it was granted cease to be fulfilled, or

(c) if the land is in the opinion of the Government required for a public purpose or for conducting mining operations

(5) In the event of such resumption, if there are buildings on the land except those constructed in contravention of condition 2 the Government may at their option either --

(a) purchase the buildings;

(b) allow the grantee to purchase the land at its value on the date of sale; or

(c) direct the grantee to remove the buildings.

(6) In the event of the resumption of the land with any building thereon, no compensation whatever shall be paid by the Government, in respect of the buildings constructed in contravention of condition 2.

(7) In the event of the resumption of the land followed by the purchase of the buildings under condition 5 (a) or in the event of the acquisition of the land for any other reason, the compensation payable therefor shall in no case exceed the initial cost or the value at the time of resumption or acquisition, whichever shall be less, of any buildings erected or other improvements effected on the land by the grantee in accordance

terms of the grant or under the previous permission obtained from the Collector under condition 2.

(8) In the event of the grantee refusing to remove the buildings when so directed under condition 5 (c) the Government may remove them and realise the cost of removal by the sale of the materials.

(9) In the event of the voluntary relinquishment of the land by the grantee, no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee at his cost.

Application for the alienation of land in which the proprietary right belongs to the State.

South Kanara District.

No. 81 Karimanel village of Karkal Taluk.

	S.No.	Description	Extent. A.	C.
1. Description and area	200/2B	Dry.	0	2
	204/2	Dry.	0	28
		Total ..	0	30

2. Market value Rs. 7-8-0.

3. Alienee and purpose of alienation. Parish Union of the Diocese of Mangalore. For the purpose of a cemetery.

4. Collector's remarks. Recommended.

South Kanara Collector's office,
Camp Gurpur, 7th September 1935.

Madhavarao
For Collector 4/9.

11/9/35

Application for the alienation of land in which the proprietary right belongs to the State.

South Kanara District.

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4. Collector's remarks. Recommended.

South Kanara Collector's office,
Camp Gurpur, 7th September 1935.

Sd/- Madhavarao
For Collector.
11/9.

Wad
11-9-35

Application for the alienation of Land Revenue payable to Government.

South Kanara District.

81 Karimanel village of Karkal Taluk.

	S.No.	Description	Extent.
1. Description and area	200/2B	Dry	0.02 cents.
	204/2	Dry	0.28 "
		Total ...	0.30 "

2. (a) Annual assessment Rs. 0-4-0.

   (b) Capitalised value Rs. 6-4-0

3. Alienee and purpose of alienation. Parish Union of the Diocese of Mangalore. For the purpose of a cemetery.

4. Collector's remarks. Recommended.

South Kanara Collector's office,
Camp Gurpur 7th September 1935.

Sd/- Madhavarao
For Collector. 11/9.

Sd/-
11.9.35

Application for the alienation of Land Revenue payable to Government.

South Kanara District.

81 Karimanel village of Karkal Taluk.

	S.No.	Description	Extent.
1. Description and area	200/2B	Dry	0.02 cents.
	204/2	Dry	0.28
		Total	0.30

2. (a) Annual assessment Rs. 0-4-0.

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4. Collector's remarks. — Recommended.

South Kanara Collector's office,
Camp Gurpur 7th September 1935.

Bmadhavarao
For Collector. 11/9.

Read 11.9.35

Eye - Sketch Revised

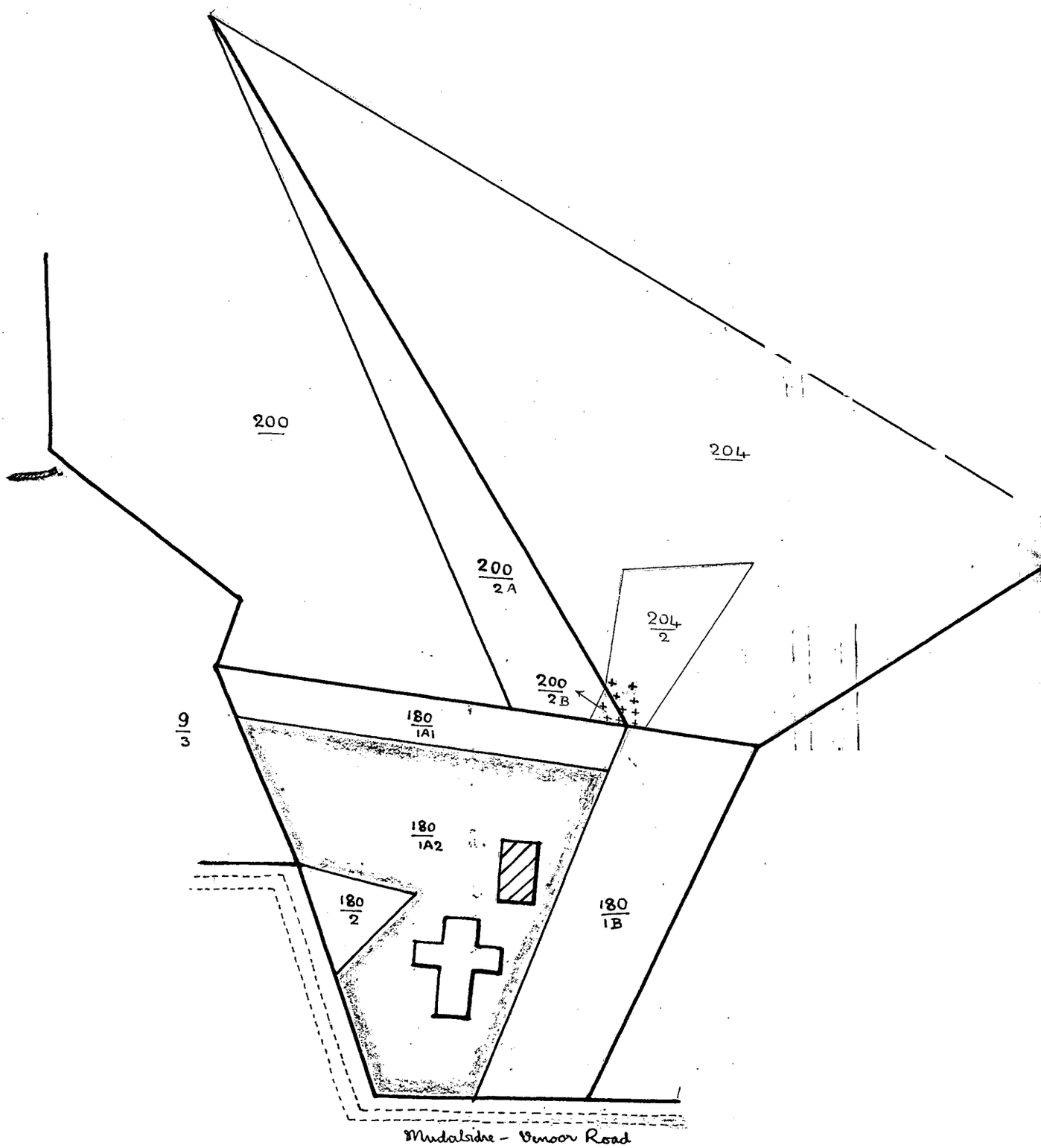
District - South Kanara

No. 81.

Village { Name Karimanal

Taluk - Karkal

Field nos. 200 . 201



Copied by

H. Rangappaya

Draftsman

6.9.35

Scale 1/2 inch = One chain

Index

Survey no.	Subdivision	Description	Name of the present holder
180	1A1	Dry - Hos.	J. P. Noronha
..	1A2	Dry - Hos.	Lord Bishop Rev. Dr. Victor Fernandez for Parish Union of the Diocese of Mangalore.
..	1B	Dry - Hos	Dharmadeva Sidhalankara.
8		Do	
9	3	Wet - Kadim	J. P. Noronha.
200	1	Dry - Hos	
	2A	Dry	Assessed waste.
204			Do
119			Do
4			Road Parambote.
200	2B		Plots applied for by the Parish Union of the Diocese of Mangalore for a cemetery and proposed to be alienated in their favour.
204	2		
+ + + + + +			The portion actualy used as the burial ground.
			The parish house.
			The church.
			Road.
			Land held by the church.

Conditions.

(1) The land comprised in 204/2 and 200/2B of Karimanel measuring 28 and 2 cents respectively shall be used for the purpose of a Cemetery attached to the Venur Church at Karimanel and for no other purpose.

(2) No part of the land shall in any way, be built upon without the previous sanction of the Collector, the erection of tombs however not requiring any sanction.

(3) Full assessment shall be charged if at any time it is found that the grantee levies any rent or fees for the use of the burial ground.

(4) The Government may resume the land wholly or in part with any buildings thereon:

(a) if the land is not used for the specific purpose for which it was granted, or

(b) if the conditions on which it was granted cease to be fulfilled, or

(c) if the land is in the opinion of the Government required for a public purpose or for conducting mining operations

(5) In the event of such resumption, if there are buildings on the land except those constructed in contravention of condition 2 the Government may at their option either --

(a) purchase the buildings;

(b) allow the grantee to purchase the land at its value on the date of sale; or

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(6) In the event of the resumption of the land with any building thereon, no compensation whatever shall be paid by the Government, in respect of the buildings constructed in contravention of condition 2.

(7) In the event of the resumption of the land followed by the purchase of the buildings under condition 5 (a) or in the event of the acquisition of the land for any other reason, the compensation payable therefor shall in no case exceed the initial cost or the value at the time of resumption or acquisition, whichever shall be less, of any buildings erected or other improvements effected on the land by the grantee in accordance

with the terms of the grant or under the previous permission obtained from the Collector under condition 2.

(8) In the event of the grantee refusing to remove the buildings when so directed under condition 5 (c) the Government may remove them and realise the cost of removal by the sale of the materials.

(9) In the event of the voluntary relinquishment of the land by the grantee, no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee at his cost.

Sd/- E.M. Gawne,
Collector.

Bradhavada
For Collector. 11/9.

Letter from The Secretary, Parish Union of the Diocese of Mangalore.
To the Collector of South Kanara, Mangalore.
Ref.B3-2019-35 dated 2-9-1935.

Alienation - Land and land revenue - Karkal Taluk - Karimanel village - S.No. 200/2B and 204/2 - Cemetery - Venur Church -conditions of alienation.

In reference to your office Note Ref.B.3-2019-35 dated 30th July 1935, I beg to submit that I agree on behalf of the Parish Union of the Diocese of Mangalore to abide by the conditions specified in the note.

I have herein enclosed the Treasury Chalan receipt for Re.1-2-5 being the value of the tree growth on the said plots.

(True copy)

K Madhavarao
For Collector 11/9.

Rao
11.9.35.

Letter from The Secretary, Parish Union of the Diocese of Mangalore.
To the Collector of South Kanara, Mangalore.
Ref.B3-2019-35 dated 2-9-1935.

Alienation - Land and land revenue - Karkal Taluk - Karimanel village - S.No. 200/2B and 204/2 - Cemetery - Venu Church -conditions of alienation.

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(True copy)

For Collector.11/9.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined ..		
When signed ..		
When despatched.	18 SEP 1935	

DESPATCHED

SUBJECT:— Alienation Land Rev (S. Kanara) - Karkal Taluk. Karmanel Vge SN. 200-2 Bt 204/2 - cemetery. Parish Union of the Diocese of Mangalore

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

No. _____ From the B 52483/35, No. 9, dated 6/12 19 C6

" _____ " _____ " _____ " _____ 19____.

Ref B 52483/35 = 1 _____ " _____ " _____ 19____.

Order / Ms.
Resolution / Rout. No. _____, dated 16 9 19 35.

The Collector is requested to report

(i) the registry and classification of the lands in the accounts

(ii) the circumstances in which the aliene was allowed to encroach on the lands and use them for ~~burial~~ the purposes of a cemetery

Sd

14 9 35 12/6/935

KV
EGS/35

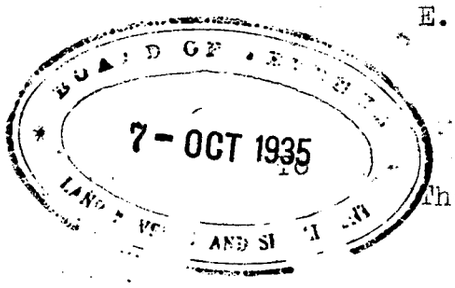
Ref.B.3-2019/35. South Kanara Collector's Office,

Mangalore, 3rd October 1935.

From

E. M. Gawne Esquire, I.C.S.,

Collector of South Kanara.



To

The Secretary to the Board,

Land Revenue & Settlement,

M a d r a s.

Sir,

Alienation - Land and Revenue - Karkal Talu[illegible] - Karimanel village - S.No.200/2B and 204/2 - Cemetery - Parish Union of the Diocese of Mangalore.

Board's reference B.No.5243/35, dated 16-9-35, Land Revenue & Settlement.

S.Nos.200/2B and 204/2 of Karimanel stand registered as Government assessed wastes classified as Dry and assessed at 12 annas per acre.

2. In this district, where any one can make an ayam or rear hakkal in an assessed waste, it is not usual nor is it in any way necessary to treat occupations of unassessed land as encroachments. It has been usual for people here to think that unassigned land is land available for general use unless there is some other person objecting to such The existence of burials on the plots may also not have been apparent as in villages in South Kanara monuments are not placed over grass. The encroachment not having been considered objectionable, darkhast proceedings had been instituted for assignment of the plots. As the land was needed for a cemetery, I however proposed alienation in lieu of assignment.

ALIENATION - Land & Revenue - ~~Buildings~~ - (South Kanara

Karkal Taluk Karimanel Village/Town

S.No. 200-2-B & 204/2- Parish union of

the Diocese of Mangalore = cemetery

Recommended.
~~Sanctioned~~

B 5802/35 & 1027 CF

Reference
~~Resolution~~ B 5243-35-2 of 16. 6 35

At the instance of the Collector of South Kanara

the Board recommends ~~sanctions~~ the alienation of the

plot of land comprised in S.No. 200-2-B+204/2

of Karimanel Village Karkal Taluk

measuring Ac. 0·02+0·28 respectively in favour of the Parish

union of the Diocese of Mangalore for use as the site of a cemetery

2. S. Nos 200/2-B and 204/2 of Karimanel Village are registered as Govt assessed wastes classified as dry and assessed at 2 annas an acre. The lands are ~~absolutely~~ being used for cemetery purposes. and the encroachment is reported considered to be unobjectionable The Arya Samaj Mangalore ~~which owns certain lands (S.No. 180-1B & 8) in the vicinity of S. No 180/1-B and 8~~ lying to the east of the Parish union Church ~~belonging to the Mission~~ objects to the alienation on the ground that the cemetery would contaminate

to create 30 a Settlement of Adidravidas as intended by the Samaj on its own lands. The Collector reports that that there are as yet no habitations on the plots owned by the Samaj, that the sub-division have been carefully worked on the ground so as to include only the lands sloping away from the lands owned by the Samaj, that there are no other suitable lands available for the cemetery and that the objections do not deserve any consideration No communal trouble is likely to ~~occur~~ arise & the alienation is sanctioned The Board recommend that the objections may be overruled and that the alienation may be sanctioned The Value of the trees viz Rs 1.2.5 has already been collected The ~~Mission~~ Parish Union is a Roman catholic institution registered under Act XXI of 1860

3. The alienation will be free of charge for the occupancy right and free of assessment ~~but subject to assessment~~ ~~which will~~ be ground rent ground rent ~~liable to revision at every resettlement~~ and subject to the payment of Rs. 1.2.5 being the value of the trees standing on the land and subject also to the following conditions to which the alienee has agreed:-

(1) The land shall be used as the site of a cemetery and for no other purpose.

(ii) No buildings (tombs excluded) shall be constructed on the lands without the previous permission of the collector of the district

(IV) In the event of such resumption, if there are buildings on the land the Government may at their option either,

(a) purchase the buildings, or

(b) allow the grantee to purchase the land at its value on the date of sale, or

(c) direct the grantee to remove the buildings.

V) In the event of the resumption of the land followed by purchase of the buildings under clause (IV) (a) or in the event of the acquisition of the land for any other reason, the compensation payable therefor shall in no case exceed the initial cost or the value at the time of resumption or acquisition, whichever may be less, of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. but in no circumstances shall any compensation be paid by him for in respect of buildings constructed in contravention of condition (ii)

(VI) In the event of the grantee refusing to remove the buildings when so directed under clause (IV) (c) the Government may remove them and realise the cost of removal by the sale of the materials.

(VII) In the event of the voluntary relinquishment of the land by the grantee no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee at his cost.

VIII) Full assessment shall be charged if at any time it is found that the Grantee levies any rent or fees for the use of the cemetery

R 16/1035

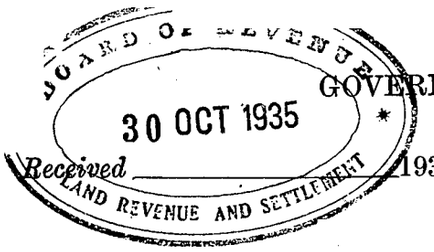
Dr

To

K 16/35 The Secretary to Government, Revenue Department (with alienation statements (Pates) 1/3 to be copied and sent) and sketch pages 17 in original.

~~The Collector of~~

DESPATCHED



GOVERNMENT OF MADRAS.

B6223

Received _____ 193 *Registered* _____ 193

Abstract.

Alienation - Land & Revenue (South Kanara) Karkal Taluk - Karimanel Village - S.Nos.200-2B and 204-2 - Parish Union of the Diocese of Mangalore - Cemetery - Sanctioned.

REVENUE DEPARTMENT.

G.O. No. Ms. 2533 **Dated the 28th October 1935**

READ the following :—

From the Board of Revenue, Land Revenue & Settlement, Reference: No.B.5243-35/2, dated the 16th October 1935.

ORDER—

The Government sanction the alienation of the plots of land measuring 2 cents and 28 cents in S.Nos.200-2B and 204/2, respectively in Karimanel village, Karkal taluk, South Kanara District in favour of the Parish Union of the Diocese of Mangalore for use as the site of a cemetery

2. The alienation will be free of charge for the occupancy right and free of assessment and subject to the payment of Re.1/2/5 being the value of the trees standing on the land.

and but subject also to the following conditions :—

(1) The land shall be used for the purpose of a cemetery

and for no other purpose.

~~The buildings shall be constructed within ..... from the date of the grant.~~

(2) No structures other than tombs and monuments shall be erected on the lands without the previous permission of the Collector of the district.

(3) The Government may resume the land, wholly or in part, with any buildings thereon, in the event of the infringement of any of the conditions of the grant, or if, in the opinion of the Government, the land is required for a public purpose, or for conducting mining operations.

(4) In the event of such resumption, if there are buildings on the land, the Government may, at their option, either

(*a*) purchase the buildings, or

(*b*) allow the grantee to purchase the land at its value on the date of the sale, or

(*c*) direct the grantee to remove the buildings.

(5) In the event of the resumption of the land followed by purchase of the buildings under condition 4) (a), or in the event of the acquisition of land for any reason, the compensation payable therefor shall in no case exceed the initial cost, or the value at the time of resumption or acquisition, whichever may be less, of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant, but in no circumstances shall any compensation be paid by the Government in respect of structures erected in contravention of condition (2)

(6) In the event of the grantee refusing to remove the buildings, when so directed under condition 4) c) the Government may remove them and realise the cost of the removal by the sale of the materials.

(7) In the event of the voluntary relinquishment of the land by the grantee, no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee at its cost.

(8) Full assessment shall be charged if at any time it is found hat the grantee levies any rent or fees for the use of the emetery.

(By order of the Governor in Council.)

H. R. Uzielli,
Secretary to Government.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT:— Alienation. Land and Rev (S. Kanara) Karkal Tk Karimanel Village. SNOS 200-2 B & 204. 2. Parish union of the Diocese of Mangalore. Cemetery. Sanad Rs. Cancld

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

No. _____ From the _____, No. _____, dated _____ 19____.

" _____ " B 5802/35 " Q " 27 19 36.

" _____ " 13623/35 " A " 6/8 35/37 19 36.

~~Order~~ / Resolution ~~Ms.~~ / ~~Rout.~~ No. 4158, dated 1. 11. 1935

Communicated to the Collector of South Kanara

Ekd 31.10.35

31.10.35

15/4

31x35

58m

105

11135

Note File

alienation Land and Rev (S. Kanara). Karkal Taluk. Karmanel village S.No 200-2-Bd 204-2 cemetery Parish annexed to the diocese of Mangalore.

B 5243/35 p p 1 & 2 cf
B 5802/35 p 27 cf

To AS(C&R)

Please see the collector's letter at p p 1 & 2 cf, the Board's reference at p 2 cf and the collector's reply at p 27 cf.

2. On the circumstances reported by the collector, the Board may recommend that the objections raised by the Arya Samaj may be overruled and that the alienation may be sanctioned.

EKo
9.10.35
KV
11x35

M1

14.10.35.

To AS (C&R)

Draft Submitted

EKo
15.10.35
KV
16x35

2

Issued as B.C. Rs. 524/85-2
dated 16.10.85
B 622 to 635

Rs. 25 to 33 C
Rs. 35 to 37 C

To AS (LR)

Draft Rules

AS (LR)

Secy
21.10.85
Sec
31.10.85